

**K.A.R. 82-3-103. Notice of intention to drill; penalty.** (a) Notice required.

(1) Intent to drill. Unless otherwise provided by K.A.R. 82-3-115a, or K.A.R. 82-3-701, the owner, operator, or any other person responsible for a drilling operation shall submit written notice of the intention to drill to the conservation division for permit approval before the commencement of drilling operations for any of the following:

(A) Exploratory holes;

(B) a well to be drilled for the discovery or production of oil, gas, or other minerals, including reentry of a previously plugged and abandoned well;

(C) a service well;

(D) a storage well; or

(E) a stratigraphic or core hole.

(2) Time for filing. The applicant shall file the notice with the conservation division at least five days before any drilling is commenced.

(3) Form and contents. The notice shall be submitted on a form prescribed by the commission. The notice shall be filled in completely ~~and signed by the person providing the notice.~~ The notice and shall contain the following:

(A) The operator's name, address, and commission license number;

(B) the contractor's name, address, and commission license number;

(C) the date on which drilling is anticipated to begin;

(D) the lease name, quarter section, section, range, township, county, and the distance of the proposed drilling location from the section's nearest corner, in exact footages;

(E) the distance to the nearest lease or unit boundary line;

(F) the estimated total depth of the well;

(G) the type of drilling equipment to be used;

(H) the depth to the bottom of the deepest freshwater at the drill site;

(I) the depth to the bottom of the deepest usable water formation at the drill site;

(J) for each exploratory hole, the estimated depth to water in each hole and to the top of the uppermost confined aquifer;

(K) for each well to be drilled into a common source of supply subject to a basic proration order of the commission, a plat map showing that the well will be ~~properly~~ located as specified in the basic proration order in relationship to other wells producing from the common source of supply, both within the area subject to proration and within one mile of the boundaries of the prorated area for gas wells and within one-half mile of the boundaries of the prorated area for oil wells;

(L) for each well to be drilled in locations not subject to a basic proration order, a plat map showing the well location; and

(M) any other relevant information ~~which~~ that may be requested by the commission.

(b) District office notification. Before spudding the well, the operator shall notify the appropriate district office. Failure to notify the appropriate district office before spudding the well shall be punishable by a penalty of not less than \$250 and not more than \$1000.

(c) Surface casing, and cementing. The conservation division shall give surface casing and cementing requirements to the operator along with the approved notice of the intention to drill.

Unless otherwise provided, inadequate installation of or failure to install surface casing or failure to complete alternate II cementing pursuant to K.A.R. 82-3-106 shall each be punishable by a penalty of up to \$5000.

(d) Commencement of drilling. Drilling shall not commence until after commission approval has been received. The operator shall post a copy of the approved notice of intent to drill on each drilling rig. Drilling before receiving commission approval or drilling without an approved notice of intent to drill posted on the drilling rig shall be punishable by a \$1000 penalty.

(e) Plugging instructions. The conservation division shall give preliminary plugging instructions to the operator along with the approved notice of intention to drill.

(f) Expiration of approval. The approval of the notice of intent to drill shall expire ~~six months~~ one year from the date of approval.

(g) Extension. ~~A six-month extension of the approval may be granted by the director if a written request is filed with the conservation division before the expiration date of the notice of intention to drill. Only one six-month extension~~ No extension of the one-year period shall be granted.

(h) Division of water resources information. The operator may be required by the commission to designate, on the written notice of intention to drill, the source of drilling water and the vested right or permit file number assigned by the division of water resources of the state ~~board~~ department of agriculture. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, May 1, 1985; amended

May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Feb. 24, 1992; amended March 20, 1995; amended Oct. 25, 1996; amended P-\_\_\_\_\_.)

**82-3-603a. Spill notification to landowner or representative; penalty.** (a) Notification required. Each operator shall make good faith efforts to notify the landowner or the landowner's representative of any spill or escape that is required to be reported to the conservation division under K.A.R. 82-3-603(b)(1) or (b)(2). This notification to the landowner or landowner's representative shall meet the requirements of subsection (b) and shall be made no later than five business days following the discovery or knowledge of the spill or escape.

(b) Required information. Each notification shall include the following information:

- (1) The operator's name;
- (2) the lease name and approximate spill location;
- (3) the time and date the spill or escape occurred;
- (4) a description of the escaped materials, including each type and amount; and
- (5) the methods being used to clean up the spill.

(c) "Discovery and knowledge" defined. For the purpose of this regulation, the point of "discovery and knowledge" shall mean the point at which the operator knew or reasonably should have known of the spill or escape.

(d) Record of notification and retention of records. Each operator shall keep accurate records of each notification made to a landowner or a landowner's representative regarding spills or escapes required under subsection (a). These records may include correspondence, electronic mail, telephone records, and field notes. The operator shall keep these records for at least three years. The records shall be made available to the conservation division upon request.

(e) Penalty for failure to notify. Failure to comply with subsection (a) shall be

punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 penalty for each subsequent violation. (Authorized by K.S.A. 55-152 and K.S.A. 2006 Supp. 55-186; implementing K.S.A. 55-164, K.S.A. 2006 Supp. 55-186, K.S.A. 74-623; effective P-\_\_\_\_\_.)